

Proposed Amendments to the Tulare County Superior Court Local Rules to be effective as of January 1, 2021

Amended

Rule 106 - Electronic Devices in Courtroom

In accordance with California Rules of Court, rule 1.150 and the California Code of Judicial Ethics, Canon 3(B)(3), the Tulare County Superior Court establishes the following policy regarding the use of cell phones, blue tooth ear pieces, cameras, and other portable electronic devices (hereinafter “electronic devices” or “devices”) in the courtroom.

Any use of an electronic device while court is in session is prohibited unless the party seeking to use such device is granted leave by the court to do so. Unless permission is granted to use a device, all such devices must be silenced or turned off while court is in session.

A judge may require a party and/or counsel requesting permission to use an electronic device to complete in writing a form entitled “Request for Permission to Use Electronic Device” available on the Local Forms (miscellaneous) page of the Court’s web site www.tularesuperiorcourt.com.

Parties and/or counsel at counsel table may use such devices for calendaring purposes (e.g. to check for available hearing dates) while court is in session without leave by the court. Court personnel (e.g. bailiffs, clerks, and/or interpreters) may use such devices if this use is in the ordinary course of their duties with the courts.

Any use of electronic devices in contravention of this policy may result in the imposition of lawful penalties and sanctions including a contempt of court citation.

Nothing in this policy limits the court’s authority to impose other reasonable limitations on use of these devices to maintain conditions conducive to the orderly conduct of court proceedings.

(07/01/09) (Revised 01/01/10, 01/01/14, 07/01/17, 01/01/2021)

Rule 106.2 - Use of Law Enforcement Body Cameras Prohibited in Courthouse

Court users, primarily participants in various legal proceedings, have a reasonable privacy interest in their activities within the courthouse. Generally, law enforcement officers are precluded from recording communications without the consent of the parties to the communication. Penal Code 632. Law enforcement personnel participating in court proceedings would not likely have cause to activate a body worn camera while in the courthouse. Under California Rules of Court rule 1.150(b)(3), the court has broad authority to regulate use of recording devices in the courthouse. See also *Superior Court v. County of Mendocino* (1996) 13 Cal.4th 45. [The court regularly makes use of video technology to enable parties, including in-custody defendants, to appear remotely for a variety of court proceedings. Remote appearances may, in some cases, originate from jail facilities under the control of law enforcement agencies.](#)

Based on the foregoing, body-worn cameras utilized by law enforcement agencies may not be activated within any court or court related facility without prior authorization by the Presiding Judge. [To the extent jail facilities being used for remote video appearances may be considered court related facilities, law enforcement personnel are authorized to use and activate body-worn cameras in jail facilities during remote video appearances by in-custody defendants.](#) Officers assigned to court security duties shall not carry body-worn cameras in any court or court [related facility, except for jail facilities being utilized for remote video appearances by in-custody defendants,](#) without prior authorization by the Presiding Judge. (07/01/17), (01-01-2021)

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Amended Forms

The court has amended its Alternative Dispute Resolution package – Local Form CIV-004. A copy of the revised form is available on the Local Forms page of the court's web site www.tularesuperiorcourt.com.

The court's list of local forms is amended:

The following forms are located on the court's website, www.tularesuperiorcourt.com on the Local Forms page. Copies are also available through the clerk's office. These forms are for mandatory use unless otherwise specified:

Adoption

Declaration of Due Diligence in Support of a Request for an Order of Publication or For Order Dispensing with Notice - Optional	ADO-001	Effective 07/01/2016
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Civil

Declaration of Judgment Debtor Regarding Satisfaction of Judgment (CCP 116.850(c)) - Optional	CIV-001	Effective 07/01/2016
Notice of Motion/Motion for Order Setting Aside Default/Judgement/Stay-Optional	CIV-002	Effective 08/01/2019
Order on Motion for Order Setting Aside Default/Judgement/Stay – Optional	CIV-003	Effective 08/01/2019
Alternative Dispute Resolution Package	CIV-004	Effective 01/01/2021

Collections

Waiver of Rights for Bail Forfeiture	COL-001	Revised 05/01/2019
Waiver of Rights for Bail Forfeiture – Spanish	COL-002	Revised 06/01/2019
Collection Installment Application	COL-003	Revised 12/01/2017
Ability to Pay Income and Expense Form - Optional	COL-004	Revised 02/01/2018
Collection Installment Application – Spanish	COL-005	Revised 12/01/2017
Correspondence to Commissioner - Optional	COL-006	Revised 07/01/2018
Correspondence to Commissioner – Spanish - Optional	COL-007	Revised 07/01/2018

Criminal

Petition and Application for Resentencing or Dismissal, for Reduction or Dismissal and Sealing - Optional	CRIM-001	Effective 07/01/2017
Order After Petition /Application for Resentencing or Dismissal, for Reduction or Dismissal/Sealing - Optional	CRIM-002	Effective 07/01/2017
Proposition 64 - Information and Instructions - Optional	CRIM-003	Effective 07/01/2017
DUI Advisement of Rights, Waiver, and Plea Form - Optional	CRIM-004	Effective 05/01/2018
Petition and Order for Dismissal Under Penal Code Section 1210.1(e)1 - Optional	CRIM-005	Effective 07/01/2017
Criminal Protective Order Attachment - Optional	CRIM-006	Effective 07/01/2016

Family

Findings and Order After Hearing - Optional	FAM-001	Revised 04/16/2019
Settlement Conference Statement/Trial Brief - Optional	FAM-002	Effective 07/01/2016
Child Custody and Visitation Declaration Attachment - Optional	FAM-003	Effective 07/01/2016
Child Support Modification Declaration Attachment - Optional	FAM-004	Effective 07/01/2016
Custody and Visitation Attachment - Optional	FAM-005	Effective 07/01/2016
Petition For Order to Modify Order Appointing Guardian Visitation Orders - Optional	FAM-006	Effective 07/01/2016
Declaration of Due Diligence- Optional	FAM-007	Effective 07/01/2016
Attachment to Judgment - Child Custody & Visitation - Optional	FAM-008	Effective 07/01/2016
Attachment to Judgment - Child Support - Optional	FAM-009	Effective 07/01/2016
Attachment to Judgment - Child Support Payable - Optional	FAM-010	Effective 07/01/2016
Attachment to Judgment - Spousal Support - Optional	FAM-011	Effective 07/01/2016
Attachment to Judgment - Property Division - Optional	FAM-012	Effective 07/01/2016
Attachment to Judgment - Other Orders - Optional	FAM-013	Effective 07/01/2016

Family Court Services

Online Family Dispute Resolution Orientation Directions	FCS-001	Effective 07/01/2016
Pre-Age (Minor) Marriage Questionnaire	FCS-200	Effective 07/01/2016
Pre-Age (Minor) Marriage Questionnaire - Spanish	FCS-201	Effective 07/01/2016
Certification of Premarital Counseling	FCS-204	Effective 07/01/2016
Guardianship Questionnaire	FCS-303	Revised 09/01/2019

Conservatorship Care Plan	FCS-401	Effective 07/01/2016
Conservatorship Questionnaire	FCS-402	Effective 07/01/2016
Petition to Transfer Venue of Guardianship or Conservatorship - Optional	FCS-403	Effective 08/01/2019
Petition to Declare Minor Free From Parental Custody and Control and Terminate Parental Rights	FCS-500	Effective 07/01/2016
Declaration of Custodial Parent	FCS-501	Effective 07/01/2016
Citation For Freedom from Parental Custody	FCS-502	Revised 02/16/2018
Application and Order For Publication or Dispensing with Notice to Alleged Father on Petition to Terminate Parental Rights	FCS-503	Effective 07/01/2016
Declaration of Due Diligence - Optional	FCS-504	Effective 07/01/2016
Findings and Order of the Court on the Petition to Declare Minor(s) Free From Parental Custody and Control and Terminate Parental Rights	FCS-505	Effective 07/01/2016
Stepparent or Domestic Partner Adoption Informational Questionnaire	FCS-506	Effective 07/01/2016
Declaration and Order for Stepparent Adoption Investigation Fees	FCS-507	Effective 07/01/2016
Stipulation to Request Case Transfer	FCS-601	Effective 07/01/2016
<u>Juvenile</u>		
Appeal Rights – Delinquency – Optional	JUV-001	Effective 07/01/2018
Appeal Rights(Parent) – Dependency – Optional	JUV-002	Effective 07/01/2018
Appeal Rights(Child) – Dependency – Optional	JUV-003	Effective 07/01/2018
<u>Probate</u>		
Confidential Contact Information Conservatorships – Optional	PRO-001	Effective 07/01/2016
Objection to Guardianship - Optional	PRO-002	Effective 07/01/2016
<u>Miscellaneous</u>		
Request for Permission to Use Electronic Device – Private Attorney or Unrepresented Party	TCSC-001	Revised 01/01/2020
Request for Permission to Use Electronic Device on All Cases Assigned	TCSC-002	Revised 01/01/2020